

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.59066 of 2022
Date of Decision: 24.08.2023

Baljinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Manvinder Singh Sidhu, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J.(Oral)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.208 dated 06.07.2022 registered under Sections 148, 149, 323, 325, 452, 506, 307, 120-B IPC at Police Station Chhappar, District Yamunanagar.

2. It is the specific case of the petitioner that a perusal of the FIR clearly reveals though he was shown to be present along with the co-accused at the time of occurrence in question, however, no specific injury has been attributed to him much less injury inviting the mischief of Section 307 IPC. It has been submitted by the learned counsel for the petitioner that a confessional statement was stated to have been recorded

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by the petitioner before the police wherein he had inculpated himself by stating that he had inflicted an iron rod blow on the forehead of injured-Daljit Singh. Learned counsel has further asserted that such confessional statement made before the police is hit by the Evidence Act and does not have any evidentiary value at all. He still further submits that all the material witnesses including the injured stand examined and further incarceration of the petitioner in the circumstances would serve no useful purpose as there could be no likelihood of he trying to influence the material witnesses to depose in his favour much less tamper with material evidence.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer made by the counsel opposite by submitting that the petitioner had accompanied the co-accused at the time of alleged occurrence; they all were armed with iron rods, with which various injuries were inflicted upon the person of injured-Daljit Singh. However, learned State counsel, on instructions, has not disputed that injury inviting the mischief of Section 307 IPC has not been attributed to the petitioner. She has, however, submitted that in the FIR, it has been alleged that the petitioner had inflicted iron rod blow on the nose and eyes of the injured along with other co-accused.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. It is not disputed that the petitioner has been in custody since 20.07.2022 and the trial is unlikely to conclude in the near future as 12 prosecution witnesses still remain to be examined. The petitioner has been attributed a simple injury on the injured-Daljit Singh. In addition, all the material witnesses stand examined, hence, further incarceration of the petitioner shall serve no useful purpose.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail or he is found involved in any other criminal case, the State would be at liberty to seek cancellation of the bail granted to him today.

August 24, 2023
poonam

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>

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